

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

JOE W. REED

PLAINTIFF

VS.

CAUSE NO. 94-4-409

LUCILLE BATTS, PEARLEAN ROSS, MARTHA ROSS,
 EMMA ROSS WILLIAMS, NATHANIEL ROSS, JR.,
 WILLIAM ELIJAH MOORE, THOMAS MOORE,
 MILDRED MOORE, CORA MOORE JONES, EMMETT MOORE,
 WILLIE RICHARD MOORE, DIANE MOORE HOLIDAY,
 JOE REGINALD MOORE, DORETHA MOORE, DAMON MOORE,
 REGINA MOORE, SHIRLEY ANN MOORE, DARLENE MOORE,
 MARIA A. MOORE, WANDA J. MOORE, MARANITA MOORE,
 CANNTON MOORE, JR., KERMIT MOORE, THOMAS MOORE,
 SHANANDA MOORE, MARY MOORE HARRIS, DE CREASIA MOORE,
 JOSIE MOORE GLADNEY, KENDALL KING, CALVIN GENTRY,
 MELVIN GENTRY, ELIJAH GENTRY, JACQUELINE GENTRY,
 DON DIEGO GENTRY, FRANKIE KING, BENITA KING,
 DAVID KING, TIMOTHY DAVIS, JR., JOAN DAVIS,
 THE UNKNOWN HEIRS AT LAW OF CORA ALLEN, THE UNKNOWN
 HEIRS AT LAW OF MINNIE PEARL SMITH, THE UNKNOWN
 HEIRS AT LAW OF M. C. SMITH, THE UNKNOWN HEIRS AT LAW
 OF PEARLEAN SMITH, THE UNKNOWN HEIRS AT LAW OF
 EMMA SMITH STOKES, THE UNKNOWN HEIRS AT LAW OF
 TIMOTHY DAVIS, THE UNKNOWN HEIRS AT LAW OF NATHANIEL
 ROSS, THE UNKNOWN HEIRS AT LAW OF MARY ELLEN ELDRIDGE,
 THE UNKNOWN HEIRS AT LAW OF ED LEE ELDRIDGE, ALSO KNOWN
 AS EDDIE LEE ELDRIDGE, THE UNKNOWN HEIRS AT LAW OF
 NORTH DONEL, THE UNKNOWN HEIRS AT LAW OF WILLIE B. MOORE,
 THE UNKNOWN HEIRS AT LAW OF CANNTON MOORE, THE UNKNOWN
 HEIRS AT LAW OF MILDRED GENTRY, ANY AND ALL UNKNOWN
 PERSONS HAVING OR CLAIMING ANY LEGAL OR EQUITABLE
 INTEREST IN THE REAL ESTATE DESCRIBED HEREIN

STATE NO. - DESOTO CO. 43
FILED 7-2

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BK 274 PG 95
W.E. DAVIS CH. CLK.
by: P. Stanley

DEFENDANTS

DEFAULT JUDGMENT ENTERED BY COURT

THIS action came on for hearing on the motion of the Plaintiff, Joe W. Reed, by his attorney of record for a Default Judgment pursuant to Rule 55(b)(2) of the Mississippi Rules of Civil Procedure and the Defendants, Pearlean Ross, Martha Ross, Emma Ross Williams and Nathaniel Ross, Jr., having been duly served

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W E DAVIS, CLERK

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with the summons and Complaint and not being an infant or an unrepresented incompetent person and having failed to plead or otherwise defend and their default having been duly entered and the Defendants having taken no proceedings since such default was entered and all other remaining Defendants, being Lucille Batts, William Elijah Moore, Thomas Moore, Mildred Moore, Cora Moore Jones, Emmett Moore, Willie Richard Moore, Diane Moore Holiday, Joe Reginald Moore, Doretha Moore, Damon Moore, Regina Moore, Shirley Ann Moore, Darlene Moore, Maria A. Moore, Wanda J. Moore, Maranita Moore, Cannton Moore, Jr., Kermit Moore, Thomas Moore, Shananda Moore, Mary Moore Harris, De Creasia Moore, Josie Moore Gladney, Kendall King, Calvin Gentry, Melvin Gentry, Elijah Gentry, Jacqueline Gentry, Don Diego Gentry, Frankie King, Benita King, David, King, Timothy Davis, Jr., Joan Davis, the unknown heirs at law of Cora Allen, the unknown heirs at law of Minnie Pearl Smith, the unknown heirs at law of M. C. Smith, the unknown heirs at law of Pearlean Smith, the unknown heirs at law of Emma Smith Stokes, the unknown heirs at law of Timothy Davis, the unknown heirs at law of Nathaniel Ross, the unknown heirs at law of Mary Ellen Eldridge, the unknown heirs at law of Ed Lee Eldridge, also known as Eddie Lee Eldridge, the unknown heirs at law of North Donel, the unknown heirs at law of Willie B. Moore, the unknown heirs at law of Cannton Moore, the unknown heirs at law of Mildred Gentry and any and all unknown persons having or claiming any legal or equitable interest in the real estate described in the Petition, having been duly summoned by publication and not being an infant or an

unrepresented incompetent person and having failed to plead or otherwise defend, and their default having been duly entered and the Defendants having taken no proceedings since such default was entered, accordingly

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That Joe W. Reed, Lucille Batts, William Elijah Moore, Thomas Moore, Mildred Moore, Cora Moore Jones, Emmett Moore, Willie Richard Moore, Diane Moore Holiday, Joe Reginald Moore, Doretha Moore, Damon Moore, Regina Moore, Shirley Ann Moore, Darlene Moore, Maria A. Moore, Wanda J. Moore, Maranita Moore, Cannton Moore, Jr., Kermit Moore, Thomas Moore, Shananda Moore, Mary Moore Harris, De Creasia Moore, Josie Moore Gladney, Kendall King, Calvin Gentry, Melvin Gentry, Elijah Gentry, Jacqueline Gentry, Don Diego Gentry, Frankie King, Benita King, David, King, Timothy Davis, Jr., Joan Davis, own in fee simple in possession or with the right of immediate possession as tenants in common in varying undivided interests as hereinafter adjudicated, the land in DeSoto County, Mississippi, described as follows, to-wit:

41.22 acres in the Northeast Quarter of Section Three (3), Township Three (3), Range Eight (8) West, described as beginning at the Northeast corner of said Section, thence West on the Section line 16 chains and 68 links, thence south 24 chains and 52 links, thence East 16 chains and 98 links, thence North 24 chains and 46 links to the beginning. And also the following tract, beginning at the southwest corner of the above described lot, thence West 10 chains and 36 links, thence south 5 chains and 7 links, thence East 10 chains and 86 links, thence North 5 chains and 7 links to the beginning. Said land contain in all 46.72 acres in the Northeast Quarter of said Section 3.

2. The Court finds that title to the property described above is owned by the parties as tenants in common in the interest set out following each name as follows, to-wit:

(1)	Joe W. Reed	21/36
(2)	Lucille Batts	1/36
(3)	Martha Ross	1/144
(4)	Nathaniel Ross, Jr.	1/144
(5)	Pearlean Ross	1/144
(6)	Emma Ross Williams	1/144
(7)	Timothy Davis, Jr.	1/72
(8)	Joan Davis	1/72
(9)	William Elijah Moore	1/60
(10)	Thomas Moore	1/60
(11)	Mildred Moore	1/60
(12)	Cora Moore Jones	1/60
(13)	Emmett Moore	1/60
(14)	Willie Richard Moore	1/60
(15)	Diane Moore Holiday	1/60
(16)	Joe Reginald Moore	1/60
(17)	Josie Moore Gladney	1/60
(18)	Doretha Moore	1/840
(19)	Damon Moore	1/840
(20)	Regina Moore	1/840
(21)	Shirley Ann Moore	1/840
(22)	Darlene Moore	1/840
(23)	Maria C. Moore	1/840
(24)	Wanda J. Moore	1/840
(25)	Maranita Moore	1/840
(26)	Cannton Moore, Jr.	1/840
(27)	Kermit Moore	1/840
(28)	Thomas Moore	1/840
(29)	Shananda Moore	1/840
(30)	Mary Moore Harris	1/840
(31)	De Creasia Moore	1/840
(32)	Kendall King	1/54
(33)	Calvin Gentry	1/54
(34)	Melvin Gentry	1/54
(35)	Elijah Gentry	1/54
(36)	Jacqueline Gentry	1/54
(37)	Don Diego Gentry	1/54
(38)	Frankie King	1/54
(39)	Benita King	1/54
(40)	David King	1/54

3. That the Court finds that all claims, clouds, doubts and suspicions about the title to the land be and they are hereby cancelled and hereafter held for naught and the title to said

property is hereby quieted and confirmed in the parties in the proportions hereinabove set out.

4. The Court finds that Joe W. Reed owns an undivided $\frac{21}{36}$ th interest in the land hereinabove described, that the Court finds that said 46.72 acre tract is completely landlocked and that there is no access from a public road or access by private easement to said land, and that the only means of entry to the land would require the acquisition across neighboring lands. That Joe W. Reed is the owner of the real property adjacent to and east of the hereinabove described real property and that he desires to retain his land by division in kind and the Court finds that this is a fair and equitable division and in the best interest of all parties. That the Court feels that an equal division in kind is not possible in view of the number of persons owning the land as tenants in common and the small percentages of ownership by the parties. Accordingly, the east 27.26 acres of said land be partited and is hereby partited in kind to the said Joe W. Reed as his interest in the land and, accordingly, the title to the east 27.26 acres of said land is divested out of the parties in interest and title to the east 27.26 acres of the 46.72 acre tract is hereby vested in Joe W. Reed as his share of the land, the Court finding that this is a fair and equitable partition of his $\frac{21}{36}$ th interest in the land. That said 27.26 acres are described as follows:

The east 27.26 acres of that certain 46.72 acre tract which 46.72 acre tract is described as:

41.22 acres in the Northeast Quarter of Section Three (3), Township Three (3), Range Eight (8) West, described as beginning at the Northeast corner of said Section,

thence West on the Section line 16 chains and 68 links, thence south 24 chains and 52 links, thence East 16 chains and 98 links, thence North 24 chains and 46 links to the beginning. And also the following tract, beginning at the southwest corner of the above described lot, thence West 10 chains and 36 links, thence south 5 chains and 7 links, thence East 10 chains and 86 links, thence North 5 chains and 7 links to the beginning. Said land contain in all 46.72 acres in the Northeast Quarter of said Section 3.

That the Clerk of the Court shall record this judgment in the land records of DeSoto County, Mississippi, as evidence of the ownership of said parcel by the said Joe W. Reed.

That title to the remaining 19.46 acres, more or less, of said land is hereby vested in W. E. Davis, Chancery Clerk of DeSoto County, Mississippi, as Master of this Court for the purpose of sale as hereinafter provided. That the Court finds that the remaining 19.46 acres, more or less, cannot be equally divided in kind and that it is in the best interest of the owners, and fair and equitable to them, that the said land be sold for division of the proceeds among the owners according to their interest in the land.

5. That the Master shall sell the land vested in him for partition of the proceeds among the owners according to their interest, that the Master shall hold a public sale, selling the same at public auction to the highest and best bidder. That the Master shall sell the land at the east front door of the DeSoto County Courthouse during legal hours, being 11:00 o'clock A.M. to 4:00 o'clock P.M., the time of the sale to be determined by the Master, that the Master shall publish notice of said sale in four (4) consecutive weekly editions of the *DeSoto Times*, a newspaper

having a general circulation in DeSoto County, Mississippi, the dates of said publications to be determined by the Master. That the sale of said land is to be conducted by the Master on the Friday following the last publication. That the successful bidder shall be required to pay 10% of the bid on the day of the sale and the balance upon confirmation of the sale.

6. That the Master will make his report to this Court on the 3rd day of October, 1994, being the first day of the regular October 1994 term of this Court, at which time the report of the Master will be heard and all other matters in this cause are hereby continued for hearing at said date and time and at which time any and all objections to said confirmation shall be heard by the Court.

SO ORDERED ADJUDGED AND DECREED on this the 1st day of

August, 1994.


CHANCELLOR